CSAC BUDGET ACTION BULLETIN
CALIFORNIA STATE ASSOCIATION OF COUNTIES

2013-14 Governor's May Revision
Week of May 12, 2013

May 14, 2013

TO: CSAC Board of Directors
County Administrative Officers
CSAC Corporate Associates

FROM: Matt Cate, CSAC Executive Director
DeAnn Baker, CSAC Director of Legislative Affairs

RE: **Summary of the Governor's May Revision**

Governor Brown released his revised budget proposal today at a press conference and emphasized the **increase in education funding**, the **implementation of health reform**, and the importance of **prudence**.

The major changes since his January budget proposal include reduced revenue estimates due to federal actions, increased funds for K-14 education as a result of Proposition 98 ($2.9 billion), higher Medi-Cal costs due to court actions ($467 million), and reduced borrowing costs ($484 million).

CSAC has been involved in ongoing discussions with the Administration over the implementation of federal health care reform and the expansion of Medi-Cal. The May Revision outlines the Governor's **plan to redirect 1991 health** realignment funds from counties via a mechanism that identifies savings associated with implementation of the Affordable Care Act. Please see the **Health Care Reform** section of this Budget Action Bulletin for further details.

As has been widely reported, state General Fund cash receipts to date have exceeded expectations by approximately $4.5 billion. However, the Governor indicated today that the net overage across three years is only about $300 million. That is due to part of the money accruing to increased funding requirements for schools under Proposition 98, some revenue accruing to previous and future fiscal years, recent changes in timing of state revenues that will result in less revenue coming in May and June, and a reduced fiscal forecast due to changes in assumptions about federal actions.

Among the federal actions was allowing the two-percent payroll tax reduction to rise. This in particular has caused a decline in consumer demand. The Administration has therefore reduced its estimates of sales and use tax revenues by 2.3 percent for 2012-13 and 1.2 percent for 2013-14. Sales and use tax revenues are not only a source of general purpose revenue for counties and cities, but also fund 1991 Realignment and much of 2011 Realignment.

The Governor repeatedly stressed restraint. Some of the risks he outlined include the uncertain economic recovery, prison healthcare and overcrowding, Medi-Cal and health reform implementation, redevelopment lawsuits, and further possible federal budget measures.

K-12 education is the primary beneficiary of the state's unanticipated increase in current year cash. Proposition 98 funding for K-12 education will increase by $2.9 billion in 2012-13, and decreases by $941.4 million in 2013-14. The May Revision proposes to accelerate the repayment of inter-year budget deferrals in 2012-13 and increasing first-year funding for the Local Control Funding Formula; additionally, the Administration proposes a one-time $1 billion augmentation to implement the new Common Core academic standards. For more information on the Local Control Funding Formula, see the 2013-14 Governor's Budget May Revision Summary.

Finally, the state's General Fund debt service expenditures will decrease by a net of $141.9 million in the budget year and $292.1 million in the current year, compared to January estimates. These savings a primarily due to increased premium generated from future bond sales, a smaller spring 2013 bond sale than originally anticipated, and bond refinancing.

2013-14 May Revision
General Fund Budget Summary
($ in millions)

	2012-13	2013-14
Prior Year Balance	-1,658	850
Revenues and Transfers	98,195	97,235
Total Resources Available	**96,537**	**98,085**
Non-Proposition 98 Expenditures	55,233	57,004
Proposition 98 Expenditures	40,454	39,349
Total Expenditures	**95,687**	**96,353**
Fund Balance	**850**	**1,732**
Reserve for Liquidation of Encumbrances	618	618
Special Fund for Economic Uncertainties	232	1,114

2013-14 Total Expenditures by Agency

($ in millions)

	General Fund	Special Funds	Bond Funds	Totals
Legislative, Judicial, Executive	2,559	2,720	275	5,554
Business, Consumer Services & Housing	646	743	92	1,481
Transportation	206	8,179	5,107	13,492
Natural Resources	2,118	1,228	1,284	4,630
Environmental Protection	46	2,452	127	2,625
Health and Human Services	28,473	17,714	76	46,263
Corrections and Rehabilitation	8,929	2,272	3	11,204
K-12 Education	39,863	119	5	39,987
Higher Education	10,564	45	422	11,031
Labor and Workforce Development	299	564	-	863
Government Operations	743	223	14	980
General Government:				
Non-Agency Departments	516	1,584	3	2,103
Tax Relief / Local Government	421	3,439	-	3,860
Statewide Expenditures	971	664	-	1,635
Total	**96,353**	**41,946**	**7,408**	**145,707**

General Fund Revenue Sources

($ in millions)

	2012-13	2013-14	$ Change	% Change
Personal Income Tax	63,901	60,827	-3,074	-4.8
Sales and Use Tax	20,240	22,983	2,743	13.6
Corporation Tax	7,509	8,508	999	13.3
Insurance Tax	2,156	2,220	44	2.0
Liquor Tax	325	332	7	2.25
Tobacco Taxes	91	89	-2	-2.2
Motor Vehicle Fees	29	23	-6	-20.7
Other	3,944	2,273	-1,671	-42.4
Total	**98,195**	**97,235**	**-960**	**-1.0**

HEALTH CARE REFORM

The May Revision provides significantly more detail about the Administration's plan to implement the optional Medi-Cal expansion. At his press conference this morning, Governor Brown emphasized multiple times that the Administration does not want to pay twice for the population receiving health care services.

State-Based Approach. The Administration proposes expanding Medi-Cal through a state-based approach, rather than a county-based approach.

1991 Health Realignment Funds. While the Administration recognizes that counties' obligation to provide indigent health services will continue, the May Revision document characterizes the $1.5 billion in 1991 health realignment funds as 'primarily' for services for indigent adults. The Administration proposes to redirect the 1991 health realignment funds as health care coverage grows, based on county-by-county experiences.

The state suggests that it cannot afford to assume Medi-Cal coverage costs and continue to fund county health programs; at the same time, the Administration asserts that preserving a public safety net is a priority. As such, the Administration recognizes that counties need a viable patient base for county safety net providers and adequate rates. The May Revision does not include specific proposals on either.

The revised budget includes the following proposal for redirecting savings:

- **2013-14**: $300 million
- **2014-15**: $900 million
- **2015-16**: $1.3 billion
- **2016-17**: new realignment of human services programs

The Administration states that these savings numbers are targets and the actual amounts will be based on the mechanism described below.

Mechanism for Measuring Actual Costs. The Administration proposes to measure actual county costs for providing services to Medi-Cal and uninsured patients and revenues received for such services. The Administration indicates the following revenues would be considered:

- Patient care
- Federal funds
- 1991 Health realignment funds
- Net county contributions to health care services, adjusted to reflect historic growth rates

The Administration wants to measure the difference between total revenues and total costs.

Because the mechanism is cost based, the Administration is also concerned about containing county costs within the mechanism. The proposed cost containment mechanism would account for the remaining uninsured consistent with today's level of services. The Administration would cap county cost growth based on historic trends. This mechanism would remain in place until health care reform is fully implemented.

The May Revision also recognizes the significant declines in federal funds for county hospitals and clinics and states that the Administration will maximize federal revenues through development of a future Medicaid Waiver prior to the expiration of the current "Bridge to Reform" waiver in 2015.

More Benefit Details. The May Revision proposes to continue the Drug Medi-Cal carve-out and specialty mental health services carve-out for new Medi-Cal eligibles. It suggests that the state will provide counties the option to provide an enhanced benefit package for substance use disorder treatment services for both the existing and expansion populations. The Administration is also proposing to provide long term care services for the new Medi-Cal eligibles if the federal government approves retaining an asset test.

Proposal for Further Realignment. The Administration is proposing to shift additional health programs to the state and give counties more responsibility for human services programs beginning in 2016-17.

- *Health Programs.* The Administration is proposing to move California Children's Services (CCS) to the state. The Administration states that consideration will be given to the appropriate role of counties in the Medical Therapy Program.

  The May Revision makes clear that public health will remain a local responsibility.

- *Human Services Programs.* The Administration proposes that counties take on greater responsibility for CalWORKs, CalWORKs child care, and CalFresh administrative costs. The state would continue to set eligibility, grant levels and rates. The state would "continue to provide funding for above-average costs that result from economic downturns or policy changes outside of county control." The Administration would give consideration to county flexibility.

Additional Cost Detail. The Administration is budgeting $21 million General Fund and $1.5 billion in federal funds for the optional expansion in 2013-14.

- *County Administration.* The May Revision provides $71.9 million in 2013-14 for county administration of Medi-Cal. The funds will be used for processing new applications and redeterminations, developing training and curriculum material, training county workers, and support planning and implementation activities. Beginning in 2015-16, future state appropriations would be based on a time study.

- *Pregnant Women.* The Administration proposes to move state-only pregnant women with incomes between 100- and 200 percent of the federal poverty level (FPL) from Medi-Cal to Covered California. The state will fund all cost sharing not covered by federal subsidies for this population. The Administration projects $26.4 million in General Fund savings.

- *Legal Permanent Residents Present Less Than Five Years.* The Administration proposes to move legal permanent residents residing in the United States less than five years from state-only Medi-Cal to Covered California. The state will fund all cost sharing not covered by federal subsidies for this population. The Administration projects $5.4 million in General Fund savings associated with this proposal.

2011 Realignment

The Governor's May Revision updates revenue estimates for the programs realigned in 2011. We are providing the chart below, which is not included in the Governor's May Revision Summary but should soon be available online under 2013-14 budget details. The revised projections reflect slowed sales tax performance since January. Additional discussion can be found in the Administration of Justice section of this document.

2011 Realignment Estimate[1] - Based on 2013-14 May Revision

	2012-13	2012-13 Growth	2013-14	2013-14 Growth	2014-15	2014-15 Growth
Law Enforcement Services	**$1,942.6**		**$2,113.3**		**$2,069.2**	
Trial Court Security Subaccount	496.4	6.1	502.5	11.0	513.5	21.7
Enhancing Law Enforcement Activities Subaccount[2]	489.9	-	489.9	-	489.9	-
Community Corrections Subaccount[3]	842.9	45.3	998.9	82.4	934.1	162.5
District Attorney and Public Defender Subaccount[3]	14.6	3.0	17.1	5.5	15.8	10.8
Juvenile Justice Subaccount	98.8	6.1	104.9	11.0	115.9	21.7
Youthful Offender Block Grant Special Account	*(93.4)*	*(5.8)*	*(99.1)*	*(10.4)*	*(109.5)*	*(20.5)*
Juvenile Reentry Grant Special Account	*(5.5)*	*(0.3)*	*(5.8)*	*(0.6)*	*(6.4)*	*(1.2)*
Growth, Law Enforcement Services	**60.5**	**60.5**	**110.0**	**109.9**	**216.8**	**216.7**
Mental Health[4]	**1,120.6**	5.6	**1,120.6**	10.2	**1,120.6**	20.1
Support Services	**2,604.9**		**2,732.1**		**2,941.5**	
Protective Services Subaccount[5]	1,640.4	92.2	1,753.0	126.3	1,894.6	201.1
Behavioral Health Subaccount[6]	964.5	14.6	979.1	67.8	1,046.9	181.4
Women and Children's Residential Treatment Services	*(5.1)*	-	*(5.1)*	-	*(5.1)*	-
Growth, Support Services	**112.4**	**112.4**	**204.3**	**204.3**	**402.6**	**402.6**
Account Total and Growth	**$5,841.0**		**$6,280.3**		**$6,750.7**	
Revenue						
1.0625% Sales Tax	5,386.3		5,812.8		6,276.4	
Motor Vehicle License Fee	454.6		467.3		474.1	
Revenue Total	**$5,840.9**		**$6,280.1**		**$6,750.5**	

This chart reflects estimates of the 2011 Realignment subaccount and growth allocations based on current revenue forecasts and in accordance with the formulas outlined in Chapter 40, Statutes of 2012 (SB 1020).

[1] Dollars in millions.

[2] Allocation is capped at $489.9 million.

[3] 2012-13 and 2013-14 growth is not added to subsequent fiscal year's subaccount base allocations.

[4] Growth does not add to base.

[5] Rolling base includes a $200 million Child Welfare Services Restoration and incremental funding for Chapter 559, Statutes of 2010 (AB 12). AB 12 funding increments consist of: $18.2m in 2012-13, $20.4m in 2013-14, and $15.3m in 2014-15.

[6] The Early and Periodic Screening, Diagnosis, and Treatment and Drug Medi-Cal programs within the Behavioral Health Subaccount do not yet have a permanent base.

Administration of Justice

2011 Realignment

The Governor's May Revision updates revenue estimates associated with the range of law enforcement and health and human services programs for which counties assumed responsibility in 2011. The forecast reflects a downward projection in sales tax, resulting in an approximately 40 percent decrease in the amount of growth attributable to the various program elements. For example, 2012-13 growth for AB 109 – projected in January to be $77.3 million – has been revised downward to $45.3 million in the May Revision. Adjustments of a similar magnitude apply across the various program areas. For those programs where the base has been established – court security and juvenile justice activities on the law enforcement side – there is a resulting adjustment in the 2013-14 base, given the revised growth estimate. These updates are applied consistent with the 2011 Realignment fiscal structure codified in SB 1020 (2012).

Other technical adjustments. Although not yet available online, trailer bill language to carry out a number of technical changes – in addition to others already posted on the website – will soon be posted outlining the following proposals:

- Process to manage circumstances in which persons are misclassified and released to post-release community supervision (PRCS) or parole;
- Notification process to counties, sheriffs, and probation chiefs regarding the state's planned changes to prison reception center and parole office operations;
- Clarification that mentally disordered offenders, even if their MDO status is decertified by a court, are released onto a parole rather than a PRCS caseload.

Long-term offender proposal. The May Revision also recognizes the implications of long-term offenders detained in county jails as a result of AB 109 implementation. As outlined in the narrative, the proposal would permit a swap of long-term county jail offenders for shorter-term prison inmates to ensure population and cost neutrality given the state's budget constraints and those connected to the federal-court population reduction order. The proposal would grant new authority to existing county parole boards for purposes of determining whether long-term offenders should be sent to state prison, but only after the inmate has served three years in a county jail. Finally, the proposal would create a presumption for split sentences, although it offers discretion for instances in which a judge deems that a split sentence would be inappropriate. The Administration has made clear that the long-term proposal is a starting point and they remain open to input and feedback. The inclusion of the proposal in the May Revision acknowledges the significance of the long-term jail offender issue and signals a willingness to explore a resolution within the constraints that all parties face. Discussions will ensue in short order to discuss the concept, mechanics, and potential revisions.

CCP Planning Grants. The Governor's May Revision continues to assume a $7.9 million General Fund appropriation to provide planning grants to local Community Corrections Partnerships (CCPs). The fixed amount grants will be allocated as in previous years, with a specified amount of $100,000, $150, 000, or $200,000 designated based on a county's population. As indicated in the January budget proposal, we expect budget bill language will condition receipt of CCP planning grants on the submission of a report on CCP plan implementation to the Board of State and Community Corrections.

SB 678 – Community Corrections Performance Incentive Act

An augmentation of $72.1 million to support counties' ongoing SB 678 programs would bring total probation incentive funding to just over $107 million in 2013-14. The upward adjustment from the January budget proposal resulted from a revised methodology for calculating counties' awards, using a different marginal rate associated with CDCR's per-inmate housing costs.

Corrections

The budget for the Department of Corrections and Rehabilitation (CDCR) remains largely unchanged from the January budget proposal. The May Revision does not assume any costs associated with the state's efforts to comply with the court-ordered population reduction. If there is subsequent legislative or court action to require the state to pursue population reduction options, additional expenditures would be required.

Other elements of interest to counties include:

- A $15.4 million increase in CDCR funding to reflect greater reliance on state prison inmates participating in fire camps. Counties will recall that following AB 109 implementation, there was a concern that the state would have insufficient lower-level prison inmates to sustain fire camp services, and CDCR's budget was reduced accordingly. However, CDCR has implemented changes in classification systems and identified a sufficient number of inmates to maintain current fire camp levels.
- Establishment of an administrative structure – including a new corrections undersecretary and related staffing – to support the future transition of inmate health care back to the state from the federal receiver.
- An increase to reflect adjustments in adult prison inmate and parolee populations.
- A slight decrease in funding for Department of Juvenile justice associated with juvenile population adjustments and costs changes. The revised average daily population projection for DJJ wards is 821 in 2012-13 and 679 in 2013-14.
- An initiative to reduce drugs and other contraband in the prisons.

Judicial Branch

The May Revision assumes no change to the January budget proposal for the courts.

Department of State Hospitals

The May Revision includes several budget changes for the Department of State Hospitals (DSH) as detailed below:

- *Additional Intermediate Care and Acute Units* – Funding and staffing would be provided to establish four new units and convert one existing unit at three state hospitals. With a total of 155 new beds, DSH would be better equipped to accommodate population for a number of commitments including Lanterman-Petris-Short patients, the incompetent to stand trial, mentally disordered offenders, and sexually violent predators.
- *Patient Management and Bed Utilization Unit* – Funding and staff would be dedicated to managing patient bed needs to maximize utilization across state hospitals.
- *Psychiatric Inpatient Hospital Programs co-located with CDCR* – Staffing and funding adjustments to transition 450 inpatient beds from two DSH sites to the CDCR health care facility in Stockton. This proposal would provide necessary inpatient treatment staff for psychiatric programs co-located with CDCR facilities.

Agriculture and Natural Resources

Cap and Trade

The May Revision does not include the Department of Finance (DOF) and the California Air Resources Board's (CARB) investment plan for Cap and Trade revenues as was anticipated. Instead, Mary Nichols, CARB's Chairwoman, announced today that that the May Revision proposal is to loan Cap and Trade revenues to the General Fund this year while CARB continues to work on the investment plan and the update of the AB 32 Scoping Plan. According to DOF Director Ana Matosantos, the Cap and Trade funds will be available in future years.

Proposition 39

The May Revision makes some changes to the allocation of Proposition 39 funds; the Governor's January budget proposed was to sweep all $400.5 million in revenues associated with the California Clean Energy Jobs Act of 2012 (funds dedicated to energy projects) for Proposition 98 funding guarantees, and allocate these funds exclusively to schools and community colleges for energy efficiency projects. Proposition 39 requires out-of-state businesses to calculate their California income tax liability based on the percentage of their sales in California and dedicates up to $550 million annually for five years to fund projects that "create energy efficiency and clean energy jobs" in California. It does not specifically allocate these funds toward schools and community colleges; rather, it lists eligible entities as schools and other public facilities. The May Revision adjusts Proposition 39 revenues up by $12.5 million and makes some changes to the allocation formula for K-12 education, including a minimum grant level of $15,000 for small education agencies. The May Revision continues to exclude local governments as eligible entities for Proposition 39 funding.

Government Finance and Operations

Redevelopment

The May Revision estimates that, due to the dissolution of redevelopment agencies and the resulting return of property taxes, for the 2012-13 and 2013-14 fiscal years combined, counties are receiving $1.4 billion, cities $1.1 billion, and special districts $500 million in property tax revenues. The May Revision projects an ongoing annual return of about $675 million.

The state General Fund also benefits because, for most school districts, higher property tax revenues result in a reduced payment from the state due to Proposition 98. Schools get the lion's share of property taxes in the state, so the General Fund will save an estimated $2.1 billion in 2012-13 and $1.5 billion in 2013-14, $400 million more than estimated in January. The ongoing annual savings will be about $825 million, which is $265 million higher than estimated in January.

Enterprise Zones

The Governor has proposed changing the nature of the Enterprise Zone program and the New Jobs Hiring Credit — created in 2009 — while remaining true to their original intent of encouraging manufacturing investment and increasing employment, especially in high poverty areas. In the May Revision, the Governor argues that the current Enterprise Zone program rewards moving jobs from one place in the state to another, and that the hiring credit has been ineffective.

He proposes to refocus the hiring credit to areas of high unemployment and poverty and reward the hiring of unemployed veterans, those on public assistance, and the long-term unemployed.

The Enterprise Zone sales tax program would be statewide instead of regional, and would be a sales tax exemption for manufacturing or biotech research and development equipment. During the press conference, the Governor indicated that the exemption would equal about 4 percent of the cost of the equipment, implying that at least parts of the tax that benefit counties would be excluded.

The final part of the proposal would create a new fund administered by GO-Biz to negotiate exchanges of tax credits for investments and employment expansion within the state.

The changes are designed to be revenue neutral. A portion of the hiring credit and incentive funding would be dedicated to small businesses.

Health and Human Services

Medi-Cal

Coordinated Care Initiative

Timeline. The Department of Health Care Services (DHCS) notified counties last week that the implementation date for the Coordinated Care Initiative (CCI) has been pushed back to January 1, 2014. The May Revision lays out the schedule changes for phasing in enrollees.

Los Angeles County would phase in enrollees over 12 months, subject to discussions with the federal government, and have a cap on the number of beneficiaries enrolled. San Mateo County would enroll all beneficiaries over three months, while the remaining counties – Orange, San Diego, San Bernardino, Riverside, Alameda, and Santa Clara, would enroll all beneficiaries over 12 months.

The May Revision projects a state General Fund savings for CCI of nearly $120 million ($119.6 million in 2013-14), mostly due to the Managed Care Organization (MCO) tax as described below. It should be noted that the proposed timeline changes must be approved by the Legislature.

Statewide Authority. The May Revision also included $518,000 ($259,000 General Fund) and four positions in the Department of Social Services (DSS) for the creation of a Statewide Authority for In-Home Support Services (IHSS) bargaining. The Statewide Authority is supposed to be operational before the first county implements the CCI transition of beneficiaries to managed care.

Managed Care Tax

The May Revision Budget includes a proposal for a Managed Care Organization (MCO) tax on managed care plans for the current year, 2013-14 and beyond. Funds from the tax would be matched with federal funds and divided between the health plans and other state costs for health care services for children, seniors, and those with disabilities. The MCO tax rate would mirror the Gross Premiums Tax (2.35 percent) in the current year, and then be based on the state sales tax rate (four percent) in 2013-14 and beyond. Director of the Department of Finance Ana Matosantos indicated in the May Revision press conference held this morning that the federal government had signed off on the proposal to base the MCO tax on the sales tax rate. The increased amount would be used to fund the state's costs for the CCI project described above.

CalWORKs

Early Engagement Funds. The May Revision includes $48.3 million General Fund to fund early engagement services for new CalWORKs recipients, who, as a result of last year's budget cuts, are limited to 24 months of CalWORKs services. The early engagement funds would help counties establish a standardized assessment tool and process for new enrollees in 2013-14, and the state indicated it will establish an "appropriate level of ongoing resources" for early engagement services in 2014-2015.

Lower CalWORKs and SSI/SSP Caseloads. The May Revision reduces the General Fund cost for CalWORKs and Supplemental Security Income/State Supplementary Payment (SSI/SSP) programs by $94.5 million in 2013-14 to reflect lower-than-estimated caseload levels for the programs.

Subsidized Child Care. The Governor proposes to slightly reduce CalWORKs States 2 and 3 subsidized child care funding based on caseload data.

- *Stage 2*: Decrease 2013-14 funding by $511,000, with a total Stage 2 base cost of $397.8 million.
- *Stage 3*: Decrease 2013-14 funding by $15.1 million, with a total Stage 3 base cost of $157.5 million.

TANF Shift to Cal Grants. Building on an interagency agreement between DSS and the California Student Aid Commission from last year, the Governor proposes to shift $18.7 million in federal Temporary Assistance to Needy Families (TANF) funding to offset state Cal Grant costs.

Mental Health

Mental Health Services Act. The May Revision authorizes the use of $947,000 in Mental Health Services Act (MHSA, or Proposition 63) funds by the Mental Health Services Oversight and Accountability Commission (MHSOAC) to hire six people to implement the Five-year Mental Health Services Act Evaluation Master Plan. MHSOAC had approved this project in March and work is expected to begin in 2013-14.

State Hospitals. The May Revision includes a proposal to establish four new units at existing state hospitals to handle intermediate and acute care cases, such as patients who are hospitalized under the Lanterman-Petris-Short Act, Incompetent to Stand Trial, Mentally Disordered Offender, and Sexually Violent Predator designations. This would cost $22.1 million ($16 million General Fund) and require 173 new staff, mostly at the level-of-care position. The Governor also adds $1.8 million and 18 positions to establish a Patient Management Unit within the Department of State Hospitals to manage patient beds and maximize utilization within existing hospitals.

HEALTHCARE

Healthcare Workforce. The May Revision includes a proposal to leverage a generous grant by the California Endowment to use up to $21 million for healthcare workforce development programs. Of that amount, $14 million would be used for health profession scholarships and loan repayments, with the remainder dedicated to financial support for family practice residency, family nurse practitioner, physician assistant and registered nurse programs in the state.

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